

## Message Text

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ACTION NEA-09

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R 141045Z APR 75

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 9631

INFO AMEMBASSY DACCA

AMEMBASSY KABUL

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

C O N F I D E N T I A L SECTION 1 OF 2 ISLAMABAD 3245

C O R R E C T E D C O P Y (PARAGRAPH SIX)

E.O. 11652: GDS

TAGS: PINT, PFOR, PK, AF, IN

SUBJECT: GOVERNMENT AND OPPOSITION AT A STAND-OFF

SUMMARY: THE GOP'S CASE JUSTIFYING ITS DISSOLUTION OF THE NATIONAL AWAMI PARTY (NAP) IS NOW BEFORE THE SUPREME COURT WHICH MAY TAKE UP TO A YEAR TO COME TO A DECISION. EFFORTS TO ARRANGE A SOLUTION TO THE POLITICAL PROBLEMS CREATED BY THE GOVERNMENT ACTION AGAINST NAP CONTINUE BUT DO NOT LOOK PROMISING. THEY APPEAR TO BE PROCEEDING ON TWO TRACKS: NEGOTIATIONS FOR AN OVERALL COMPROMISE BETWEEN THE GOVERNMENT AND THE NAP AND MANEUVERING BY THE GOVERNMENT TO SPLIT OFF A MODERATE ELEMENT IN THE PARTY FROM THE WALI KHAN LEADERSHIP. MEANWHILE, THE BOYCOTT OF THE NATIONAL AND PROVINCIAL ASSEMBLIES CONTINUES. END SUMMARY.

1. GOP CASE AGAINST NAP. THE FULL BENCH OF THE SUPREME

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COURT TOOK UP, ON APRIL 10, PRELIMINARY HEARINGS IN THE

GOP CASE AGAINST THE NATIONAL AWAMI PARTY (NAP). AS REQUIRED BY LAW, THE GOP REFERRED THE CASE TO THE COURT ON FEBRUARY 25 AND THE COURT ISSUED NOTICES TO NAP PRESIDENT WALI KHAN AND AS MANY AS 46 OTHER NAP LEADERS TO APPEAR TO DEFEND THEMSELVES.

2. THE GOVERNMENT CASE (ACCORDING TO INDEPENDENT NAWAIWAQT, THE ONLY PAPER TO CARRY IT) IS BASED ON THE CLAIM THAT NAP LEADERS WERE AGAINST THE CREATION OF PAKISTAN AS THE HOMELAND FOR THE SUBCONTINENT'S MUSLIMS; PROPAGATED THEORY OF FOUR OR FIVE PAKISTANI "NATIONALITIES", THEREBY INCITING HATRED AND DISAFFECTION AMONG THE VARIOUS CULTURAL GROUPS; SOUGHT AND RECEIVED MATERIAL HELP FROM INDIA AND AFGHANISTAN WHICH WERE "HOSTILE" TO PAKISTAN; OPENLY ADVOCATED VIOLENCE TO SUBVERT THE CONSTITUTION; METHODICALLY WORKED TOWARDS THE DISINTEGRATION OF PAKISTAN IN NWFP AND BALUCHISTAN "WITH THE ACTIVE SUPPORT OF FOREIGN POWERS IN THE NAME OF 'PAKHTOONISTAN' AND 'AZAD BALUCHISTAN'"; AND WITH OUTSIDE HELP ORGANIZED AND SUPPORTED LARGE-SCALE TERRORIST AND SUBVERSIVE ACTIVITIES IN THE COUNTRY TO THREATEN THE SECURITY AND UNITY OF PAKISTAN.

3. IN SUPPORT OF ITS CASE GOVERNMENT CITED GHAFAR KHAN'S "RED SHIRT" OPPOSITION TO PARTITION; LONG HISTORY OF INDIAN AND AFGHAN HELP TO "PAKHTOONISTAN" CAMPAIGN; BALUCHISTAN NAP GOVERNOR AND CHIEF MINISTER'S INCITEMENT OF TRIBAL REBELLION IN 1973; RADIO KABUL AND AJMAL KHATTAK'S SUPPORT TO BALUCH AND PATHAN "FREEDOM FIGHTS" SINCE JULY 1973; THE SPEECHES OF WALI KHAN AND OTHERS WARNING BHUTTO THAT CONTINUED REPRESSION IN THE NWFP AND BALUCHISTAN WOULD RESULT IN THESE PEOPLE "OPTING-OUT" OF PAKISTAN; AND, THE CONVICTIONS FOR SABOTAGE OF NAP MEMBERS BY THE SPECIAL TRIBUNALS (OPERATING UNDER RELAXED RULES OF EVIDENCE) IN THE FRONTIER PROVINCES.

4. COURT HEARINGS, NOW ATTEMPTING TO ESTABLISH PROCEDURES TO BE FOLLOWED, HEARD ON APRIL 10 NAP'S DEFENSE ATTORNEY MIAN MAHMUD ALI KASURI (TEHRIQ-I-ISTIQLAL MEMBER NATIONAL ASSEMBLY AND FORMER FEDERAL LAW MINISTER). KASURI ARGUED THAT REGULAR RULES OF EVIDENCE IN CRIMINAL CASES SHOULD

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APPLY (PUTTING BURDEN OF PROOF ON GOP) AND REQUESTED THAT TEN TOP ACCUSED BY PERMITTED TO MEET AT ONE PLACE TO CONSULT THEIR LAWYERS, THAT THEY BE KEPT AT ONE PLACE IN OR NEAR RAWALPINDI DURING THE HEARINGS, AND ADEQUATE FUNDS FOR THEIR DEFENSE BE PROVIDED (PRESUMABLY FROM IMPOUNDED PARTY ASSETS). COURT WILL NOW REFER THESE REQUESTS TO GOP.

5. ESTIMATES OF DURATION UPCOMING COURT BATTLE RANGE

FROM 3 TO 12 MONTHS. OUTCOME OF MAJORITY DECISION IS NOT CLEAR BUT IT IS PRESUMED BY LEGAL AUTHORITIES HERE THAT SUPREME COURT WILL INSIST THAT ACCUSED HAVE REASONABLE OPPORTUNITY FOR THEIR DEFENSE. IT IS ALSO WIDELY BELIEVED THAT THE COURT, AWARE OF THE POLITICAL SENSITIVITY OF THE CASE, WILL BE IN NO HURRY TO MAKE A RULING. PM'S SPEECH IN LYALLPUR IN WHICH HE APPEARED TO EXERT PRESSURE ON COURT HAS BEEN WIDELY CRITICIZED AND MAY BECOME ITSELF SUBJECT OF A CASE FOR CONTEMPT OF COURT (LAHORE 354). GOP APPARENTLY UNCERTAIN WHETHER IT CAN WIN CASE.

6. BROADLY, THERE ARE TWO ROUTES BY WHICH A COMPROMISE SOLUTION MIGHT BE REACHED AND EFFORTS ARE REPORTEDLY BEING PURSUED ALONG BOTH. ONE WOULD INVOLVE THE SPLITTING OFF OF A "MODERATE" GROUP OF NAP LEADERS AND THEIR RESURRECTION AS A NEW POLITICAL ENTITY ACCEPTABLE TO THE GOVERNMENT. POSSIBILITIES OF A BREAKTHROUGH HERE ARE LIMITED BY A SEEMING AWARENESS ON THE PART OF NAP FIGURES THAT ANY SUCH ACTION ON THEIR PARTY WOULD BE REGARDED BY THEIR FOLLOWERS AS A SELLOUT AND WOULD CAST THEM AS ISOLATED, QUISLING-LIKE AGENTS OF THE GOVERNMENT. NEVERTHELESS, THE LURE OF LOAVES AND FISHES BEING WHAT IT IS, THE PROSPECT FOR SOME DEFECTIONS CANNOT BE RULED OUT.

7. THE SECOND ROUTE WOULD INVOLVE A BROADER AGREEMENT BETWEEN THE NAP AS SUCH, INCLUDING WALI, AND THE GOVERNMENT. THE BLEAK PROSPECTS FOR SUCH A COMPROMISE ARE MADE WORSE BY THE DEEP PERSONAL ANIMOSITY BETWEEN BHUTTO AND WALI. THE SITUATION IS FURTHER COMPLICATED BY THE ISSUE OF THE JAILED (FOR 20 MONTHS) BALUCH NAP LEADERS: WHAT WOULD BE THE ARRANGEMENT FOR THEM IN THE CONTEXT OF A GENERAL SETTLEMENT?

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8. COMMERCE MINISTER MIR AFZAL KHAN, WHO IS THE NORTH WEST FRONTIER'S SINGLE PPP MEMBER IN THE CABINET, TOLD DCM APRIL 13 THAT HE IS INVOLVED IN EFFORTS TO EFFECT PPP/NAP AGREEMENT AND VERY MUCH HOPE SUCH CAN BE REACHED SINCE "WITH EVERY PASSING DAY, WALI'S POSITION (IN THE FRONTIER) GETS STRONGER." MIR AFZAL SAID IT IMPOSSIBLE FOR HIM TO SAY AT THIS TIME WHETHER COMPROMISE CAN BE REACHED BECAUSE RELATIVE POSITIONS ARE STILL WELL APART AND, MOREOVER, THE ENMITY BETWEEN BHUTTO AND WALI, IS A FACTOR OF MAJOR PROPORTIONS. MIR AFZAL BELIEVES THAT WITHOUT COMPROMISE AND AGREEMENT THERE WILL BE STALEMATE WITH RESULTS THAT CANNOT BE PREDICTED. MIR AFZAL WOULD HAVE BHUTTO REINSTATE THE NAP AND THEN SEEK IN PARTNERSHIP WITH QAIYUM MUSLIM LEAGUE TO BEST THE NAP IN AN ELECTION CAMPAIGN; THIS, HE FIRMLY BELIEVES, THE PPP CAN DO BUT NOT AS LONG AS A BANNED NAP AND A JAILED WALI REMAIN RALLYING POINTS FOR PATHAN SENTIMENT.

9. GOP-OPPOSITION NEGOTIATIONS STALEMATED. MEANWHILE,  
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THE OPPOSITION BOYCOTT OF THE NATIONAL AND PROVINCIAL ASSEMBLIES TRIGGERED BY THE DISSOLUTION OF THE NAP AND THE ARREST OF ITS LEADERS CONTINUES. THE BUILDUP OF TENSION WHICH LED TO THE BOYCOTT ACTUALLY DATES BACK TO LAST FALL WHEN GOP STEPPED UP ITS CAMPAIGN AGAINST THE COMBINED OPPOSITION (UNITED DEMOCRATIC FRONT -UDF) BY TRYING TO GET THE OTHER PARTIES TO ABANDON NAP. DURING THE SAME PERIOD THE GOVERNMENT STRENGTHENED ITS ALREADY EXTENSIVE POWERS TO HANDLE TREASON AND PUBLIC DISORDER THROUGH ORDINANCES LATER PASSED INTO LAW, STEPPED UP ARRESTS OF OPPOSITION POLITICIANS UNDER DEFENSE OF PAKISTAN RULES, AND PREVENTED OR DISRUPTED OPPOSITION PUBLIC MEETINGS. GOVERNMENT-OPPOSITION CLASHES ROSE IN DECEMBER: IN JANUARY THE OPPOSITION STAGED A PROTEST WALK-OUT OF PARLIAMENT AND STAYED OUT UNTIL A COMPROMISE OF SORTS WAS AGREED UPON A WEEK LATER.

10. OPPOSITION DEMANDS IN FEBRUARY CENTERED AROUND GREATER COOPERATION TO BE ACCORDED THEM WITHIN THE LEGISLATURES AND FREEDOM FROM HARASSMENT ON THE OUTSIDE. THE GOVERNMENT AGREED (1) TO CONSULT WITH THE OPPOSITION CONCERNING EACH LEGISLATIVE SESSION'S PROGRAM AND EACH DAY'S SCHEDULE, (2) TO PERMIT GREATER DEBATE AND COMMITTEE CONSIDERATION OF BILLS EXCEPT UNDER EXCEPTIONAL CIRCUMSTANCES, (3) TO GIVE SERIOUS CONSIDERATION TO AMENDMENTS AND ADJOURNMENT MOTIONS RAISED BY THE OPPOSITION. THE OPPOSITION ON ITS PART AGREED TO MAINTAIN DECORUM IN THE HOUSE. THE TWO SIDES COULD NOT AGREE ON THE "LEGITIMATE" PRIVILEGES OF THE LEGISLATORS (THE OPPOSITION CALLED FOR AN END TO CENSORSHIP, HARASSMENT, ARBITRARY ARREST WHILE THE GOVERNMENT DENIED THAT SUCH GRIEVANCES WERE REAL) BUT THEY DID AGREE TO FORM A JOINT COMMITTEE TO GO INTO THE QUESTION OF PRIVILEGES AND LEGISLATIVE RULES OF PROCEDURE.

11. THE GOP ACTIONS THE FOLLOWING WEEK KILLED THE SHORT-LIMED COMPROMISE. AFTER SHERPAO'S DEATH LEGISLATION, INCLUDING CONSTITUTIONAL AMENDMENTS, WERE RUSHED THROUGH, MNA'S AND MPA'S WERE ARRESTED (DESPITE THE EXISTING IMMUNITY) AND NAP BANNED. THE OPPOSITION HAS CRITICIZED THESE ACTIONS BUT INSISTED THAT ITS PRECONDITIONS FOR CONFIDENTIAL

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GIVING UP THE BOYCOTT LAY ELSEWHERE--WITH A RETURN TO THE MILITED FEBRUARY 6 PARLIAMENTARY AGREEMENT. THE GOP HAS ARGUED THE NEEDS ODQ NATIONAL SECURITY FORCED THEIR HAND: PUBLICLY, THE PM HAS ACCUSED THEM OF ASSOCIATING THEMSELVES WITH THE AFGHAN DEMANDS FOR WALI'S RELEASE AND LIFTING THE NAP BAN. HE HAS URGENTLY CALLED ON THEM TO RETURN.

12. THE CONTINUED ABSENCE OF THE OPPOSITION APPEARS TO BE AN EMBARRASSMENT TO THE GOVERNMENT AND EFFORTS TO ESTABLISH A MODUS VIVENDI CONTINUE. IN THE MEANTIME, THE LEGISLATIVE BUSINESS OF PARLIAMENT GOES ON, WITH THE BIG GOVERNMENT MAJORITY ENACTING NEW MEASURES IN A LARGELY SPIRITLESS ATMOSPHERE.  
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## Message Attributes

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